

**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

January 12, 2005

SUBJECT: **2004-0938** – Application for related proposals on a 6,914 square-foot site located at **275 Roosevelt Avenue** in an R-2 (Low-Medium Density Residential) Zoning District.

Motion **Variance** to allow a fence exceeding seven feet in height within the corner vision triangle on the corner of Roosevelt and Banning Avenues, and

Motion **Use Permit** to allow a fence exceeding seven feet in height in the reducible front yard along Banning Avenue.

REPORT IN BRIEF

Existing Site Conditions	Single-family home
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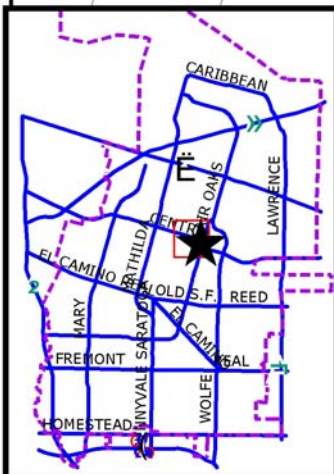
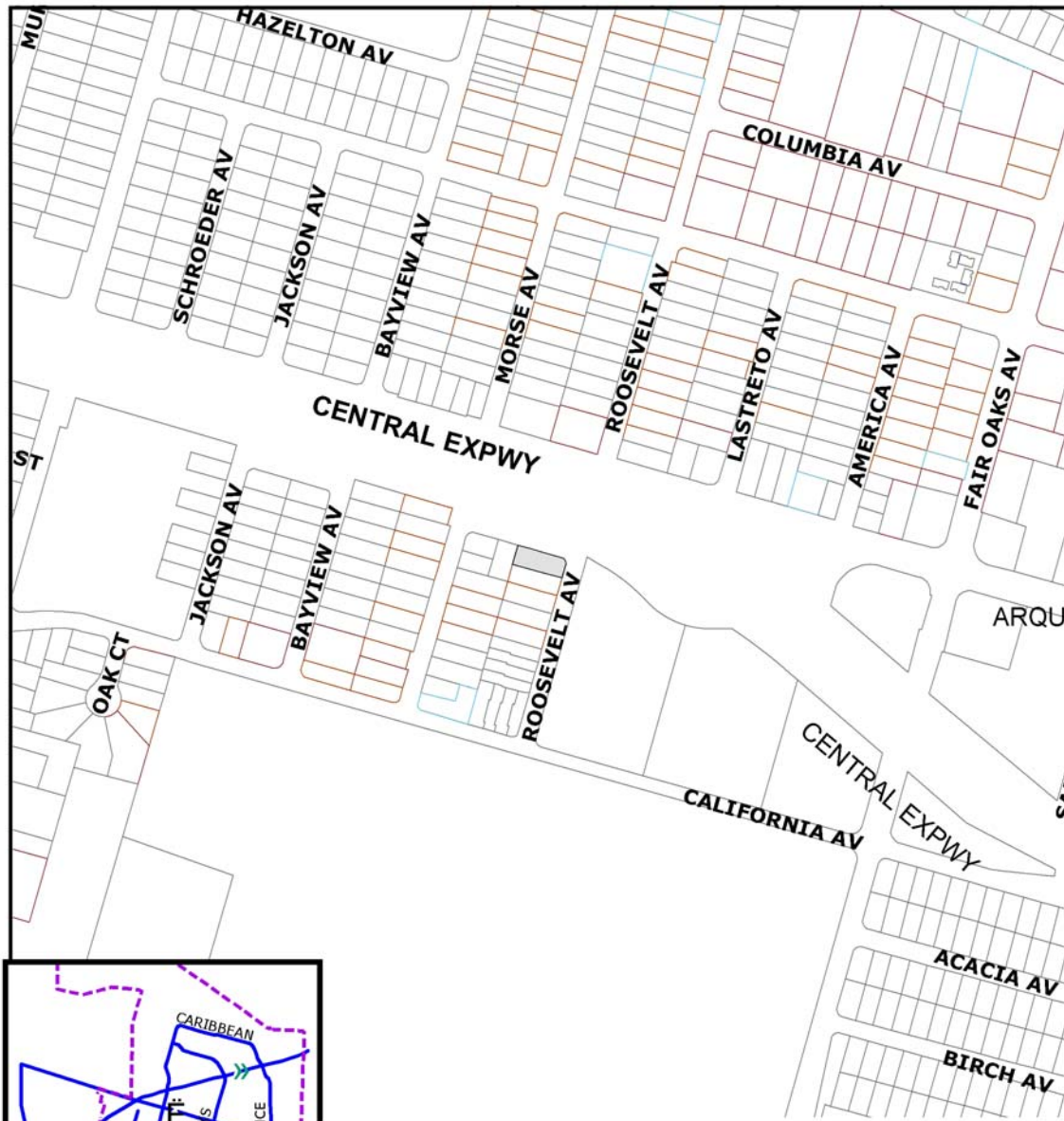
Surrounding Land Uses

North	Banning Avenue/Central Expressway
South	Single-family residential
East	Industrial – Northrup Grumman Corp.
West	Single-family residential

Issues	Possible safety issues resulting from encroachment into the corner vision triangle
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Environmental Status	A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.
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Staff	Variance: Approve with Modifications
Recommendation	Use Permit: Approve with Conditions



275 Roosevelt Ave Use Permit Variance

0 225 450 900 Feet



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Low Medium Density Residential	Same	Low Medium Density Residential
Zoning District	R-2	Same	R-2
Lot Size (s.f.)	6,914	Same	8000 min.
No. of Units	2	Same	1 max.
No. of Buildings On-Site	2	Same	---
Setbacks Facing Property)			
• Front	21'7"	Same	20' min.
• Right Side	5'8"	Same	9' min.
Encroachment into the 40' Corner Vision Triangle			
• House	14'	Same	0'
• Fence	20'	Same	0'

Starred items indicate deviations from Sunnyvale Municipal Code requirements.

ANALYSIS**Description of Proposed Project**

Variance: The applicant has constructed a 7'3" high fence and 7'2" high gate that extend 20' into the corner vision triangle of his property. The fence is on the property line along Banning Avenue, immediately adjacent to the sidewalk. The gate is perpendicular to the fence and the house, connecting the fence to the front of the house.

Use Permit:

The applicant has constructed a 7'4" high fence in the reducible front yard on the property line parallel to Banning Avenue. The fence is a continuation of the fence described in the above "Variance" section. Fences above 7' require approval through a Use Permit.

Background

Previous Actions on the Site:

There are no previous actions on the site related to the topic of this application. There have been no Neighborhood Preservation issues on this property related to this topic.

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemption includes minor alterations to existing facilities.

Use:

Variance and Use Permit:

The fence is intended to provide privacy and security for the applicant. A fence that is shorter in height would not completely cover the windows that face the reducible front yard. The front (east) portion of the fence also screens mechanical equipment and an air conditioning unit that are attached to the front portion of the house.

Design of the Fence and Gate:

Variance and Use Permit

The fence height consists of approximately:

- 1' of pressure-treated kickboard
- 5' high, 1" x 6" redwood boards
- 3" of framing for the redwood boards
- 1' of diagonal lattice on the top.

The gate is an arched door consisting of vertical, 1" x 6", redwood boards. Attachment F shows photos of the fence and gate.

Sunnyvale Single Family Home Design Techniques	Comments
<p><i>3.11 Landscaping</i> <i>G. Side fencing may be solid wood boards, but open lattice work segments at the top of the wall are softer in appearance and encouraged. However, when privacy is at issue, fences should be constructed of wood up to a maximum height of six feet with at least the top twelve inches constructed of wood lattice to soften the visual appearance.</i></p>	<p>The applicant has constructed a solid wood fence 6' high with 1' of lattice on top for privacy, which complies with the recommended design guideline.</p>

Site Layout:Variance:

The front right corner of the house (facing the house) extends 14' into the required 40' corner vision triangle. The house is setback 5'8" from the reducible front property line along Banning Avenue where a 9' setback is required. The house is setback 21'7" from the front property line. The 7'4" fence, extending 20' into the corner vision triangle, increases the nonconformity of the site by further limiting the visibility of drivers approaching the corner of Roosevelt Avenue while traveling east on Banning Avenue.

Sunnyvale Municipal Code Section 19.34.060 requires that 40-foot vision triangles be maintained at all intersections within the City. This is to promote safety and reduce the potential for accidents and injury by providing drivers a better view of pedestrian and vehicular traffic while approaching a corner.

The code requirement is rooted in traffic engineering practice and documented by the Institute of Traffic Engineers as well as the California Department of Transportation Highway Design Manual. The documentation states that for all intersections there must be an unobstructed sight distance in both directions on all approaches at an intersection. The sight triangles must be free of obstructions which might interfere with the driver's ability to see other vehicles, pedestrians or bicyclists approaching on the cross street and to ensure that vehicles have sufficient sight distance to make appropriate decisions on whether to slow, stop, or proceed through the intersection area.

The first 8' length section of the fence significantly reduces the visibility of vehicles traveling east on Banning Avenue. The remaining portion of the fence in the vision triangle does not significantly limit visibility because the house is already obstructing the view. If the first 8' section (east end) of the fence is lowered to 3', then the visibility of vehicular traffic traveling east on Banning Avenue would not be further limited by the fence.

Use Permit:

The 7'4" high fence in the reducible front yard is on the property line parallel to Banning Avenue. The fence is immediately adjacent to the sidewalk. There is an approximately 18" wide landscape strip between the sidewalk and the curb.

LandscapingVariance and Use Permit:

There is an Italian Cypress street tree in the vision triangle along Banning Avenue that limits the visibility of drivers traveling east on Banning Avenue. The Public Works, Trees Division sees value in the tree and recommends

keeping the tree and trimming the branches 8' up from ground level so that only the trunk remains. (See Variance Condition #4)

The fence is immediately adjacent to the sidewalk and there is no opportunity to add landscaping between the fence and the sidewalk. The only notable plants in the landscape strip are two Italian Cypress trees (including one discussed above). As a Variance Modification and Condition of Approval of Use Permit, Staff recommends that drought tolerant shrubs, 1' – 2' in height be planted in the strip. (See Condition of Approval - Variance #5 and Condition of Approval –Use Permit #13) This will add landscaping to an area that is almost completely devoid of landscaping and reduce the imposing effect of the fence adjacent to the sidewalk.

Compliance with Development Standards/Guidelines:Variance and Use Permit:

The proposed fence meets all the development standards except for the height requirement in the vision triangle.

Expected Impact on the SurroundingsVariance:

Staff finds that the first 8' section of the fence (east end) would negatively impact traffic safety at the corner. Staff finds that the remaining portion of the fence would have little impact on the traffic safety because of the nonconforming location the house.

Use Permit

The 7'4" high fence in the reducible front yard along Banning Avenue would have little impact on the adjoining properties. The fence is facing Central Expressway and will not be visible from any homes.

Findings, General Plan Goals and Conditions of Approval

Variance:

In order to grant the Variance, three findings must be made (See Attachment A, Recommended Variance Findings). The applicant has submitted justifications for the Variance based on the: low traffic area, house and street tree already being in the vision triangle and for aesthetic and security reasons. (See Attachment C – Applicant's Variance Justifications)

Staff can make the required Findings based on the justifications for the Variance, if the modification of lowering the first 8' section (east end) of the fence to 3' in height is made. If this modification is not made, then staff will

not be able to make the required Findings and will recommend denial of the application.

- Recommended Variance Findings are located in Attachment A.
- Recommended Variance Modifications are located in Attachment B.

Use Permit:

Staff was able to make the required Findings based on the justifications for the Use Permit.

- Recommended Use Permit Findings are located in Attachment A.
- Recommended Conditions of Approval are located in Attachment B.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 2 notices mailed to adjacent property owners and residents of the project site 	<ul style="list-style-type: none"> • Posted on the City of Sunnyvale's Website • Provided at the Reference Section of the City of Sunnyvale's Public Library 	<ul style="list-style-type: none"> • Posted on the City's official notice bulletin board • City of Sunnyvale's Website • Recorded for SunDial

Alternatives

Variance:

1. Approve the Variance with recommended modifications found in Attachment B.
2. Approve Variance with changed modifications.
3. Deny the Variance.

Use Permit

1. Approve the Use Permit with Recommended Conditions of Approval found in Attachment B.
2. Approve the Use Permit with modified Conditions of Approval.
3. Deny the Use Permit.

Recommendation

Variance:

Alternative 1

Use Permit:

Alternative 1

Prepared by:

Teresa Zarrin
Project Planner

Reviewed by:

Diana O'Dell
Senior Planner

Attachments:

- A. Recommended Variance and Use Permit Findings
- B. Recommended Variance and Use Permit Conditions of Approval
- C. Applicant's Variance Justifications
- D. Applicant's Use Permit Justifications
- E. Site and Architectural Plans
- F. Photos of the Fence and Gate

Recommended Findings - Variance

1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner or privileges enjoyed by other properties in the vicinity and within the same zoning district.

The extraordinary circumstance in this case is that the northeast corner of the house extends 14' into the 40' corner vision triangle of the property.

2. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district.

The Sunnyvale Transportation and Traffic Division has established the 40-foot vision triangle in order to ensure pedestrian, bicycle and vehicular safety at intersections in the City. The Traffic and Planning Divisions have reviewed the application and found that granting the Variance with the modification of lowering the eastern 8' portion of the fence to 3' will not create a situation that will impede the vision of drivers because the house already extends into this portion of the vision triangle.

3. Upon granting of the Variance, the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district.

The purpose of the vision triangle requirement is to allow adequate sightlines at street intersections to ensure safety. If this Variance is granted with modifications, there will be no change in the vision sightlines of the property due to the fence.

Recommended Findings - Use Permit

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project.

Goals and Policies that relate to this project are:

Land Use and Transportation Element

Policy N1.1 Protect the integrity of the City's neighborhoods; whether residential, industrial, or commercial.

Action Statement N1.1.1

Limit the intrusion of incompatible and inappropriate development into city neighborhoods.

The proposed fence design is compatible and appropriate for the neighborhood and it provides privacy for the applicant.

2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District because.

The fence will have little impact on the adjoining properties. The fence is facing Central Expressway and will not be visible from any homes. The fence is appropriately designed for a residential neighborhood.

Recommended Conditions of Approval - Variance

In addition to complying with all applicable City, County, State, and Federal Statutes, Codes, Ordinances and Resolutions, the Permittee expressly accepts and agrees to comply with the following Variance Modifications.

1. Lower the front (east) 8' length of the fence to 3' in height within 30 days of approval of this permit.
2. Lower the perpendicular gate portion of the fence to 3' in height within 30 days of approval of this permit.
3. Paint the mechanical equipment on the side of the house to match the house within 30 days of approval of this permit.
4. Trim the lower branches of the Italian Cypress in the corner vision triangle inward to the trunk of the tree a distance of 8' up from ground level within 30 days of approval of this permit. Keep the tree trimmed to the trunk to the 8' height at all times.
5. Plant drought tolerant shrubs, 1' – 2' in height in the landscape strip along Banning Avenue within 30 days of approval of this permit. The shrubs shall be placed so as to achieve full coverage in 18 months.
6. After installation, all landscaping shall thereafter be maintained in a neat, clean, and healthful condition.
7. Obtain a Building Permit for the fence in this permit within 30 days of approval of this permit.
8. The applicant/property owner shall reproduce the Modifications to the Variance on the Title Page of the plans submitted for a Building Permit for this project

Recommended Conditions of Approval - Use Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

9. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development, major changes may be approved at a public hearing.
10. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building Permit for this project.
11. The Use Permit for the use shall expire if the use is discontinued for a period of one year or more.
12. Any expansion or modification of the approved use shall be approved by separate application at a public hearing by the Planning Commission.
13. Plant drought tolerant shrubs, 1' – 2' in height in the landscape strip along Banning Avenue within 30 days of approval of this permit. The shrubs shall be placed so as to achieve full coverage in 18 months.
14. After installation, all landscaping shall thereafter be maintained in a neat, clean, and healthful condition.
15. Obtain a Building Permit for the fence in this permit within 30 days of approval of this permit.